



A Presentation of the Montana Secretary of State's Office

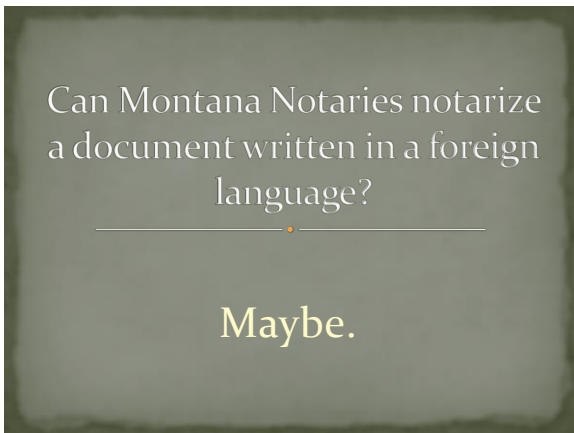
When you notarize a document written in a foreign language

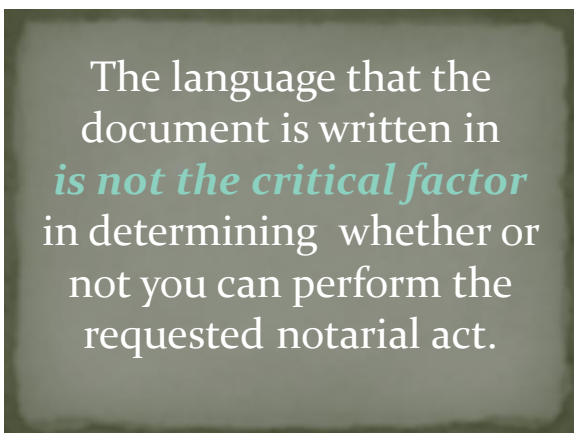
- It most likely will be sent to another country
 - Must be certified by various agencies
 - Time critical
- Errors on your part are much more likely to be a problem
 - SOS rejection of certification request
 - Delays
 - Frustration

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First - determine what notarial act you are being asked to perform:

1. Acknowledgement, signature, or jurat?
2. Certified copy?
3. Other?

“OTHER”

- Only two “other” authorized notarial acts for Montana notaries
 - Depositions – Court Reporters only
 - Protests of Instrument – 19th Century Bankers

Make sure you are authorized to do the notarial act being requested!

Certified Copies

Under Montana law, you may make and certify a copy of an original private document.

You may not certify a copy of a public document.

What's the Difference?

• Private Documents: • Public Documents

- Contracts
 - Letters
 - Handwritten papers
 - Diplomas
 - Drivers' licenses
 - Some ID cards
 - Passports*
- Birth Certificates
 - Death Certificates
 - Marriage Certificates
 - Court documents
 - Notarized or certified documents
 - School transcripts*

Four Steps to Proper Certification

After determining the document can be copy-certified:

1. Make the copy yourself
2. Attach the stick-on notarial block for certified copy*
3. Fill in the required information
4. **Record the transaction in your journal!!**

State of Montana

County of _____

I certify this to be a true and exact copy of the _____

made by me, a notary public, on _____, 20____.

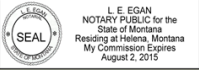
(Notary Signature)

Affix seal/stamp as close to signature as possible.

State of Montana

County of Lewis & Clark

I certify this to be a true and exact copy of the diploma
issued by the university of Athens to Snuffleupagus
made by me, a notary public, on April 5, 2014.



Lori E Hamm
(Notary Signature)

Affix seal/stamp as close to signature as possible.

What About Public Documents?

- If the document does not specify that it cannot be copied,
and
- If it is not one of the types of documents specifically prohibited by §1-5-416(2)(c), MCA,

You may offer an alternative:

Certification by Document Custodian

- Have the person who brought the document to you make the copy
- Have that person complete a certification statement (affidavit) on the copy
- Notarize the person's signature and oath (Jurat) on the affidavit

Have the customer write:

"I certify this to be a true and exact copy of _____
in my possession and made by me on _____,
(Signed) _____."

Then you affix* and complete a jurat.

See page 41 of the Montana Notary Public Handbook

Journal Entry for Certified Copy

- You don't have to have the signature of the person requesting a copy certification in your journal.

- You should record **all** pertinent information about the document – date of issue, issuing entity, etc. – including the country of origin and language the document was written in.

REMINDER...

When certifying a copy of any document,
_____.

ALWAYS MAKE THE COPY YOURSELF!

When Can You
Notarize an
**Acknowledgement,
Signature, or Jurat** on a
Document Written in a
Foreign Language?

When you can determine the
following:

1. The signer's identity
2. The type of document being signed
3. The signer's understanding of, and intent
to sign the document
4. The type of notarial act required!

Determining Identity

- ✓ Use the three methods of identification
authorized by Montana law
 - **Personal knowledge**
 - **Satisfactory ID**
 - **Credible witness**

Determining the Signer's Identity

- ✓ Not as easy as with documents written in English
 - Names are often written differently in other languages
 - Document may be written in different alphabet

Determining the Type of Document

- ✓ The signer has to be able to tell you what the document is
 - Use common sense and reasonable care
 - Have signer point out key/relevant phrases

If you are concerned that the signer does not understand the document or that the document is not what the signer believes it to be, you may refuse the request.

Determining Signer's Understanding and Intent

- ✓ The signer has to be able to tell you what the transaction is supposed to do
 - Use common sense and reasonable care
 - This confirms signer's willingness to sign the document

If you are concerned that the signer does not understand the document or that the document is not what the signer believes it to be, you may refuse the request.

CAUTION!

If you cannot read the "script", you cannot verify the identity of the person who is supposed to sign the document

or

If you cannot communicate clearly with the signer, you probably cannot verify understanding or intent

Then you cannot perform
the notarization!

Determining the Type of Notarial Act

- ✓ The **signer** has to be able to tell you what type of notarial act is required
 - ✓ Acknowledgement
 - ✓ Signature Witnessing
 - ✓ Jurat

"The Unauthorized Practice of Law"
Is NOT a "Good Thing"

- ✓ If you can verify the signer's identity
and
- ✓ You can determine that they are knowingly
and willingly signing the document,
and
- ✓ You can determine the appropriate type of
notarial act

THEN...

You can complete the
notarization
as long as the notarial
block is in English!

- The notarial block may be typed, handwritten, or otherwise affixed to the document.
- You should avoid attaching a “loose certificate” to any document, especially one written in a foreign language.

[illegible]

Printable, stick-on notarial blocks available at sos.mt.gov/Notary/Blocks

Never

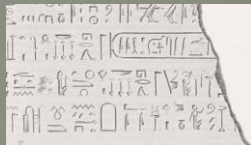
“fill in” the blanks of a notarial block written in a language other than English – **even if you are fluent in the other language.**

Montana law does not authorize any language other than English for the notarial block!

You can usually notarize a document written in a foreign language if you determine:

- ✓ That the requested notarial act is one you are legally authorized to perform
- ✓ That the person who is authorized to sign the document is physically present
- ✓ That the signer understands what the document is and does
- ✓ That the signer is willingly signing the document
- ✓ That the notarial block is in English

So, the next time someone wants you to certify a copy of the Rosetta Stone...



- You're rock-solid-capable of handling that request!
